

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

United States District Court
Southern District of Texas
FILED

JUL 19 2011

David J. Bradley, Clerk of Court

Kelvin Washington
Plaintiff

V

Civil Action No. H-11-0781

Amanda Bolin, et al.
Defendants

REQUEST FOR EXTENSION OF
TIME TO FILE OPPOSITION TO

MOTION FOR SUMMARY
JUDGMENT; DECLARATION OF
KELVIN WASHINGTON IN
SUPPORT

PLAINTIFF KELVIN WASHINGTON'S MOTION FOR EXTENSION TO RESPOND TO DEFENDANT JOSH
REISS'S MOTION FOR SUMMARY JUDGMENT

TO THE HONORABLE UNITED STATES MAGISTRATE NANCY K JOHNSON:

Plaintiff Kelvin Washington comes to file his Motion for Extension to Respond to Defendant Josh Reiss's Motion for Summary Judgment. Plaintiff Kelvin Washington hereby requests an extension of two weeks to file his opposition to Defendant Josh Reiss's motion for summary judgment now set for hearing on July 18, 2011. This request is based on the facts set forth in the Declaration of Kelvin Washington that follows.

DECLARATION OF Kelvin Washington

AFFIDAVIT OF KELVIN WASHINGTON

I, Kelvin Washington, being over the age of 18 years of age, of sound mind and competent to make this affidavit, hereby say that the following is true and correct according to my personal knowledge.

Kelvin Washington declares:

1. I am the plaintiff, the pro-se litigant. I make the following statements on my personal knowledge.
2. This request is made pro-se prior to the expiration of the time for filing pursuant to FRCP 6(b). Request for an additional two weeks to file opposition.
3. On July 1, 2011, I filed for a Motion for Reconsideration to Appoint Counsel.
4. Defendant Josh Reiss on June 7, 2011, moved for a Motion for Summary Judgment.
5. The plaintiff Kelvin Washington's pending motion filed on July 1, 2011 is on the court docket for July 22, 2011. An extension was requested to allow time to respond to the motion. I have no control of the timeline in the receipt of my mail, which goes through TDCJ's mailroom process. I have had assistance from family and love ones in monitoring and meeting the filing deadlines. I am hindered with the inability as stated in the Motion for Reconsideration for Appointment of Counsel, and despite my best efforts to complete the opposition for summary judgment in this case, I have been unable to do so, and am requesting another two weeks to complete my submission.
6. There are meritorious grounds to file an opposition, and this request has not been made for the purpose of a delay.
7. For all of the above reasons, Plaintiff Kelvin Washington, pro-se litigant, respectfully requests an extension until August 4, 2011, to file Plaintiff's opposition to the pending motion for summary judgment.

8. Because of circumstances beyond my control I have not been able to complete my opposition, and require more time.
9. I have not made any earlier request for an extension of time during the litigation of this lawsuit.
10. It was impossible because of financial limitations

I declare under penalty of perjury pursuant to the laws of the State of Texas and the United States, that the foregoing is true and correct.



KELVIN WASHINGTON

ATC-060 (Rev. 4)
Attachment 060-2

**NOTICE
OFFENDER NOTARY PUBLIC SERVICE**

Under both federal law (28 U. S. C. §1746) and state law (V. T. C. A. Civil Practice Remedies Code. §132.001-132.003). Offenders incarcerated in Texas may use an unsworn declaration under penalty of perjury in place of a written declaration, verification, certification, oath, or affidavit sworn before a Notary Public. An example of an unsworn declaration is as follows:

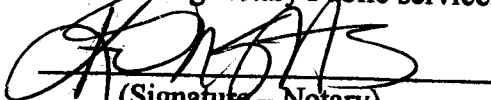
"Kelvin Washington TDCJ# 641320, being presently incarcerated at the Michael Unit, in Anderson County, Texas, declare under penalty of perjury that the foregoing is true and correct.

Executed on July 17, 2011.  (Offender Signature)"

In a request for Notary Public service, each offender must explain why an Unsworn Declaration is insufficient before Notary Public service will be provided.

**NOTICE
NOTARY PUBLIC SERVICE DENIAL**

Regarding your request for Notary Public service, insufficient justification was provided necessitating Notary Public service. However, you may proceed with an Unsworn Declaration.


(Signature - Notary)

July 17, 2011
(Date)